

## **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 LICENSING OF SHORT-TERM LET LICENCE**

### **Background**

The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 amended the Civic Government (Scotland) Act 1982 to require short-term lets to be licensed.

The Order sets out information about types of short-term let which need to be licensed and those which do not

From 1 October 2022, new hosts and operators will need to have a licence. This means that, if you were not using your premises to provide short-term lets before 1 October 2022, you cannot take bookings or receive guests until you have a licence. If you have already been using your property to provide short-term lets before 1 October 2022, then you have until 1 April 2023 to apply for a licence and you can operate by continuing to take bookings and receiving guests, while your application is processed.

### **Temporary Exemptions**

Section 1A of Schedule 1 of the Act requires licensing authorities to publish a statement of policy which will be applied regarding temporary exemptions from the requirement to obtain a short-term let licence. The Council's Policy is published on our website at [www.edinburgh.gov.uk/licences](http://www.edinburgh.gov.uk/licences).

### **Temporary Licences**

Temporary licences may be granted for a period not exceeding 6 weeks. Applications for temporary licences must be accompanied by all required supporting documentation and floor plans. However, no Site Notice or Compliance Notice is required

### **Floor plans**

For the Council and Scottish Fire and Rescue Service to undertake an assessment of the maximum number of guests that can be accommodated safely, applicants must provide, as part of their application, floor plan(s) for their premises, indicating room sizes, fire escape routes, accommodation intended for guests with mobility impairment and other information.

## **Fire Safety Checklist provided by the SFRS**

The checklist has been incorporated into the application form. Please ensure you have an appropriate fire risk safety assessment in place for your property.

## **Electrical Installation Conditions (EICR) report**

Does not apply to properties with no electrical fittings or items within the parts of the property which are not for guest use, or to which guests are not permitted to have access. The report must be dated within the last 5 years. Further information can be found in the [Guidance on Electrical Installations and Appliances](#) (external link) document

## **Declarations by owners of Short term Let Premises**

The Act requires that where the applicant is not the sole owner of the premises, or the land on which the premises are located, s/he must provide:

- the name and address of all owners and
- a declaration from all owners, or persons authorised to act on their behalf, that they consent to the application

Where the applicant is not the sole owner of the premises, the form of Declaration is provided with the application form and must be completed by all other owners. Where a Declaration is completed by someone else on behalf of an owner, the person must provide evidence of their authorisation to act on behalf of the owner

## **Duration of licences**

Where appropriate, the Council will grant a STL licence for the following time periods:

- a. Secondary Letting – 1 year
- b. Home Letting – 3 years
- c. Home Sharing – 3 Years
- d. Home Letting and Home Sharing – 3 Years

Application fees will not be refunded if a shorter period is determined. The licence is not transferable

A renewal application must be made before any existing licence expires.

A licence shall normally remain in force, unless previously suspended or revoked. The Council can also determine a shorter period in any case, dependent upon the circumstances.

## Conditions

The Act imposes mandatory conditions for a short-term let licence and these attached to the application form. The licence holder will be required to comply with the mandatory conditions which will form part of the licence when granted

The Act affords the Council the power to set certain conditions, where necessary, which can address any local concerns or issues. These are known as “additional conditions”. These conditions are found at appendix two of the Council’s Short Term Lets Licensing Policy and shall apply to every full licence granted, varied or renewed by the Council, unless they have been expressly excluded or varied. The additional conditions shall also apply to every temporary licence or temporary exemption granted or varied by the Council.

## Making Application

Applicants must submit the following documentation:

- Fully completed application form.
- Application fee
- Floor plans – *further details below*.
- Completed Declarations by owners of the short-term let premises – *where required*
- A completed Checklist - *attached*

## Incomplete applications cannot be accepted for processing

If for any reason you are unable to apply online, you can complete a paper application form and, together with the required supporting documentation, submit the form in person to the Customer Hub at 249 High Street Edinburgh, where staff will scan the application form and documents and assist you in the process of submitting and paying for your licence application via our online submission form. Paper application forms must be completed legibly in block capital letters in black ink or typed. All questions must be answered

Applications will be checked by the Licensing Service who will advise if any further information is required. Only complete applications, submitted with all required documentation and fees, can be accepted for processing. **Incomplete applications shall be returned to the applicant**

## Supporting Documents

The following documents must be submitted with all applications for a Short Term Let Licence - please only provide copies of documents as originals will not be returned:

- Annual Gas Certificate (for properties with a gas supply).
- Annual Portable Appliance Test Certificate (PAT)
- Current Electrical Installation Condition Report
- Planning permission information - *Secondary Letting only*
- 1 x A4 size copy of the floor plans of the property - *(required for new, temporary and any subsequent renewal application).*
- Completed Short Term Let Fire Safety Checklist - *(required for new, temporary and any subsequent renewal application).*

## Floor Plans - guidance

Scottish Government Guidance advises that in order for licensing authorities and the Scottish Fire and Rescue Service to undertake an assessment of the maximum number of guests that can be accommodated safely, it is desirable for licensing authorities to ask applicants to submit (as part of their application) floor plan(s) for their premises indicating certain information.

Applications for licences, including temporary licences, must therefore be accompanied by floor plans in accordance with the requirements below. These should be provided electronically

Floor plans must show the following:

- the extent of the boundary of the building and the external and internal walls of the premises.
- the location and names of any streets surrounding the building from which guests have access to the premises.
- the location and width of each point of access to and egress from the premises.
- the location and width of any other escape routes from the premises.
- the location of any equipment used for the detection or warning of fire or smoke or for fighting fires
- the location of any steps, stairs, elevators, or lifts in the premises.
- any accommodation intended for guests with mobility impairment.
- the number of rooms intended for sleeping; and
- the maximum occupancy capacity of the building (excluding children under 10 years old).

A floor plan may include a legend through which the matters narrated above may be sufficiently illustrated by the use of symbols on the plan

## **Part 1 – Licence applied for**

Please confirm whether the application is a new licence application, a temporary licence application, a renewal of an existing licence or an application for a variation or change in circumstances (please make it clear why you are requesting a variation/change).

## **Part 2 – Property Details**

Please provide the full statutory postal address of the property for which a licence is sought (as shown on the Council Tax statement). If the property is a flat then please ensure that the flat number is provided with reference to its position within the tenement, for example flat 1F2 if the flat is the second flat on the first floor above street level.

On 27 July 2022, Scottish Ministers approved plans to designate the City of Edinburgh Council area as a STL control area. It requires residential accommodation owners wholly letting accommodation, which is not their principal home, as a STL in the Council area, to apply for planning permission for a 'change of use' to a STL. The designation came into effect on 5 September 2022.

In these circumstances, the host or operator, for secondary letting, must have made an application for planning permission or already have planning permission or have proof that planning permission is not required before they apply for a licence

The maximum number of guests to be accommodated in the property, must be provided as well as the total number of bedrooms to be let. This information will be included on any licence granted

The annual letting period for when the property will be used as a short term let must be provided together with the minimum and maximum period of occupancy (in days) for any individual let

## **Parts 3 & 4 – Applicant Details**

if the applicant is a natural person, any maiden or previous name and place and date of birth must be provided. The Council is required to copy your application to the police who require this information to carry out appropriate vetting checks.

If the application is being made in joint names, then these details must be provided for each applicant.

If the applicant is a business, company, charity or trust please provide the head/registered office address and details of all partners, company directors or trustees. The Council is required to copy your application to the police who require this information to carry out appropriate vetting checks.

Please ensure that any additional sheets used to provide the required information are stapled or otherwise secured to the application form.

## **Part 5 –Day to Day Manager**

Anyone appointed by you to manage your property on a day to day basis will be named on the licence.

If an agent is to be appointed to take responsibility for managing the property on a day-to-day basis, then this section must be completed. If the agent is not an individual person, then a list of all directors/partners/trustees together with their names and addresses and dates and towns of birth must be provided and attached to the application form. If the applicant is a business, company, charity or trust, details of a named individual who is to carry on the day-to-day management of the property must be provided in this section.

## **Part 6 – Convictions**

Subject to the Rehabilitation of Offenders Act 1974 if the applicant, appointed agent or anyone named on the application form has been convicted of any crimes or offences in any court in the United Kingdom then these must be detailed in this part of the form. If any person is in any doubt as to whether they require to declare convictions, they must obtain independent legal advice. If there are no convictions, you must enter N/A in the relevant boxes.

## **Part 7 – Declaration**

Before signing and dating the application form, please ensure that:

The application form has been completed fully and all information provided is accurate and complete.

You have read the Council's data protection statement. By signing and lodging this application form you are deemed to have given consent for your personal data to be held and processed for the stated purpose.

You are aware of your obligations to display a notice of application and to certify to the Council that you have done so in terms of paragraph 2 (3) of Schedule 1 of the Civic Government (Scotland) Act 1982

That you have read the copy of the Mandatory Licensing Conditions provided with this application form and that that you understand that any Short term Let licence granted will be subject to these conditions.

## **Part 8 - Correspondence**

Please provide full contact details, including an email address, for where all correspondence relating to the licence application should be sent.

## Notice of Application (Site Notice) – Guidance Notes

Applicants have a statutory obligation to display a notice of application stating that an application for a Short Term Let licence has been made. A style notice is provided with the application form.

This notice should be completed clearly and legibly. The notice must be displayed suitably protected from the elements on or near to the property in a position where it can be easily read by members of the public for a continuous period of 21 days starting on the date on which your application is lodged with the Council.

You must take reasonable steps to protect the notice and if it is removed, obscured, or defaced, within the 21 day period, it should be replaced. At the end of the 21 day period the Compliance Notice should be completed and returned to the Council's Licensing Section, 249 High Street, Edinburgh, EH1 1YJ, or by email to [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk).

If the notice has been removed or defaced, then you must provide the Council with written confirmation that you displayed the notice for 21 days as required and took steps to protect and replace the notice if appropriate.

If the Site Notice is not displayed or the Compliance Notice is not returned, the Council may require the applicant to display the notice again for a period of 21 days from a specified date.